Subject No. 49.
Village Munsiffs.

Messrs. Subbaraju of Bangalore Taluk, Srikantaiya and Anantarajaiya of Mysore City Municipality and Ramachandrappa of Devanhalli.

Summary of discussion.—The rules in force in His Majesty's Territories with regard to village patels or village munsiffs should be introduced into the Mysore State also, at least tentatively. The public at present are put to hardship and loss by being obliged to go to Civil Courts in all petty cases. The early disposal of the subject is solicited.

[On the other hand, Messrs. Annaiya Pandit, C. Srinivasa Rao, Dasappa of Nelamangala, Krishnamurti Rao of Magadi, and other members, were against the above proposal, on the ground that civil litigation in courts was already ruining people, and to empower village munsiffs with civil jurisdiction was calculated to increase the evil.]

Reply of Government.—The time is not yet for taking action as proposed, as our patels are not yet capable of exercising civil powers efficiently. If necessary, the subject may be brought forward some time hence.

Subject No. 50.
Setting aside of Civil and Revenue Sales.

Messrs. M. Venkatakrishnaiya, M. Anantarajaiya, N. Srikantaiya, and C. Krishnaiengar of Mysore City Municipality, B. Garudachar and C. Krishnamurti.

Summary of discussion.—(*a*) Civil sales should be set aside if money be paid by judgment-debtors within a month of sale, before the sales are confirmed.

(*b*) A similar provision should be made in the Land Revenue Code, as regards revenue sales.

Reply of Government.—Noted. A Draft Regulation to amend the Civil Procedure Code by (among other things) adding a section 310A to the above effect is before Government.

Subject No. 51.
Affidavit by decree-holders applying for sale of decreed property.

Mr. B. Garudachar of Shimoga.

Summary of discussion.—(*a*) In cases in which immovable property is ordered to be sold under a decree of a Civil Court, it is incumbent on the decree-holder to produce a certificate from the Sub-Registrar for his having had access to the Register books in view to find out previous encumbrances on the property in question and to file an affidavit. If the previous encumbrances happen to exceed the present market value of the immovable property, the sale of it by the Civil Court is of no advantage to the decree-holder. Further it is not possible to say if the previous encumbrances as evidenced by the entries in the Registration books, remain undischarged or not when the immovable property is sold under the decree. It follows that the affidavit and the Sub-Registrar's certificate presented by the decree-holder are of no avail. The filing of an affidavit by the decree-holder may therefore be dispensed with and arrangements made for noting the discharge of previous encumbrances relating to the immovable property in question against the entries made in the Registration books regarding such previous encumbrances.

Mr. C. Krishnamurti of Bangalore.

(*b*) The filing of affidavits and registration certificates is useless, and has become a mere form; its effect is merely

to delay the sale of property and the realization of the creditor's claim. Sections 17 and 18 of the Registration Act should be amended as in British India.

Mr. Garudachar of Shimoga.

(c) Discharge of incumbrances on property should be required to be compulsorily registered.

Reply of Government.—A Draft Regulation embodying all the amendments to the Registration Act is ready and under consideration.

Subject No. 52.

Notice of Civil attachments to Sub-Registrars.

Messrs. M. Venkatakrishnaiya, M. Anantarajaiya, N. Srikantaiya and C. Krishnaiengar of Mysore City Municipality.

Summary of discussion.—Notice of attachment by Civil Courts should be given to Sub-Registrars [Mr. C. Krishnamurti of Bangalore opposes this, and says it will simply necessitate another book being kept by Sub-Registrars].

Reply of Government.—This will be noted for consideration.

Subject No. 53.

Dayabhaga Suits.

Mr. Aruṇachalasastri of Chikballapur.

Summary of discussion.—Suits for a portion of property may be allowed to be admitted by Courts having jurisdiction over only such share as plaintiffs may have a claim to, instead of making them resort, as is now done, to Courts which have jurisdiction over the whole property. Parties have now to come a long way to the head-quarters of districts to file suits in the superior courts.

Reply of Government.—Noted for consideration.

Subject No. 54.

Sureties for attached property.

Messrs. M. Venkatakrishnaiya, M. Anantarajaiya, N. Srikantaiya and C. Krishnaiengar of Mysore City Municipality, B. Garudachar of Shimoga and C. Krishnamurti of Bangalore.

Summary of discussion.—Sureties for attached property often do not produce the property when called upon. A regular suit is needed. Provision may therefore be made to punish them criminally or to seize such property. For instance, cattle are attached, and left in the custody of the patel, who fails to produce them on the date of sale. The Amin reports that the sale cannot be proceeded with; and a regular suit is then ordered to be brought. This causes much inconvenience and hardship. There have been many instances of this.

Reply of Government.—Enquiry will be made as to whether such cases are of frequent occurrence and require a remedy.

Subject No. 55.

Changes in the territorial jurisdiction of Munsiffs.

Messrs. C. B. Gopala Rao of Kolar Municipality and Dasappa of Nelamangala.

Summary of discussion.—The present system of changing the territorial jurisdiction of Munsiffs' Courts without consulting the wishes and convenience of people is most prejudicial to the interests of the public. The Chief Court sometimes recommends changes on mere presumptions. It causes great hardship to people to have to resort to new places. The recent transfer of the Nelamangala Munsiff's Court to Dodballapur is instanced as having caused inconvenience to the people of Goribidnur Taluk.

Reply of Government.—Such changes are only ordered on the recommendation of the Chief Court. And the people likely to be affected are also consulted, of course, as far as possible. The particular complaint referred to will be enquired into.